

1 RICHARD A. MARSHACK
2 rmarshack@marshackhays.com
3 MARSHACK HAYS LLP
4 870 Roosevelt
5 Irvine, CA 92620
6 Telephone: (949) 333-7777
7 Facsimile: (949) 333-7778

8 Chapter 7 Trustee

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA –SANTA ANA DIVISION

In re:

NORTHERN HOLDING, LLC,

Debtor.

Case No. 8:20-bk-13014-ES

Chapter 7

DECLARATION OF RICHARD A.
MARSHACK IN SUPPORT OF FIRST
INTERIM APPLICATION FOR
ALLOWANCE OF FEES AND COSTS
FILED BY MARSHACK HAYS LLP

Date: May 5, 2022

Time: 10:30 a.m.

Ctrm: 5A

I, RICHARD A. MARSHACK, declare and state as follows:

1. I am an individual over 18 years of age and competent to make this Declaration. I
am an attorney at law licensed to practice in this state and admitted to practice in this Court.

2. I am the Chapter 7 Trustee of the Bankruptcy Estate of Northern Holding, LLC. I
have personal knowledge of the facts set forth herein, and if called upon to do so, could and
would competently testify to those facts.

3. I make this Declaration in support of the First Interim Fee Application (“Fee
Application”), filed as Dk.315 on April 14, 2022, by the law firm of Marshack Hays LLP
seeking compensation and reimbursement of expenses in this case.

1 4. I have reviewed the Fee Application, which covers the period of June 15, 2021,
2 through and including March 31, 2022, and have the following comments thereto:

3
4 No objection.

5 This is a very challenging case and the Firm has done an exceptional job. As we do
6 not have complete clarity at this point, the Firm has agreed to pro-rata payment as set forth
7 below:

8 • The Firm has requested approval of \$266,530 in fees. If the Court agrees, the
9 Firm will receive a partial payment in the amount of \$106,000 from funds carved-
10 out of collateral proceeds generated from the sale of the Live Oak Property
11 (leaving a balance of \$160,530); and
12 • Additional payments as unencumbered or specifically designated funds become
13 available in an amount no more than 70% of the remaining balance up to an
14 additional \$112,371.

15 Because the Firm is only seeking payment of \$106,000 and 70% of the remaining
16 balance, I have no objection to the Application.

17
18 An objection is raised as set forth below:

19
20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct. Executed on April 27, 2022.

22
23 _____
24 /s/ Richard A. Marshack
25 RICHARD A. MARSHACK
26
27
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF TRUSTEE IN SUPPORT OF FIRST INTERIM APPLICATION FOR ALLOWANCE OF FEES AND COSTS FILED BY MARSHACK HAYS LLP** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On April 28, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On April 28, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR
Northern Holding, LLC
13217 Jamboree Rd #429
Tustin, CA 92782

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 28, 2022
Date

Pamela Kraus
Printed Name

/s/ Pamela Kraus
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** continued:

- William H Brownstein Brownsteinlaw.bill@gmail.com
- Steve Burnell sburnell@sulmeyerlaw.com, sburnell@ecf.courtdrive.com;sburnell@ecf.inforuptcy.com;mviramontes@sulmeyerlaw.com
- Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com
- Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- Michael J Gomez mgomez@frandzel.com, dmoore@frandzel.com
- D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.court drive.com
- Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- Kari L Ley Ley1238@att.net
- Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@ecf.courtdrive.com
- Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com;ecf.alert+Marshack@titlexi.com
- Elissa Miller emiller@sulmeyerlaw.com, emillersk@ecf.inforuptcy.com;ccaldwell@sulmeyerlaw.com
- Roksana D. Moradi-Brovia roksana@rhmfir.com, matt@rhmfir.com;rosario@rhmfir.com;susie@rhmfir.com;max@rhmfir.com;priscilla@rhmfir.com;pardis @rhmfir.com;russ@rhmfir.com;rebeca@rhmfir.com;david@rhmfir.com;sloan@rhmfir.com
- Paul F Ready tamara@farmerandready.com
- Matthew D. Resnik matt@rhmfir.com, roksana@rhmfir.com;rosario@rhmfir.com;susie@rhmfir.com;max@rhmfir.com;priscilla@rhmfir.com;par dis@rhmfir.com;russ@rhmfir.com;rebeca@rhmfir.com;david@rhmfir.com;sloan@rhmfir.com
- Victor A Sahn vsahn@sulmeyerlaw.com, pdillamar@sulmeyerlaw.com;pdillamar@ecf.inforuptcy.com;vsahn@ecf.inforuptcy.com;cblair@sulmeyerlaw.com; cblair@ecf.inforuptcy.com
- Kristine A Thagard kthagard@marshackhays.com, kthagard@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- Reed S Waddell rwaddell@frandzel.com, sking@frandzel.com
- Gerrick Warrington gwarrington@frandzel.com, sking@frandzel.com
- David Wood dwood@marshackhays.com, dwood@ecf.courtdrive.com;lbuchananmh@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com